



## SCOPE AND APPLICATION

This Privacy Policy contains ten principles that are observed by AZCO regarding the collection, use and disclosure of personal information. Each principle must be read in conjunction with the accompanying commentary.

The scope and application of the AZCO Privacy Policy are as follows: The Policy applies to personal information about AZCO's customers and other individuals that is collected, used or disclosed by AZCO. The Policy does not apply to information about AZCO's corporate customers, if any; however, such information may be protected by other AZCO policies and practices and through contractual arrangements. The Policy does not apply to information about AZCO's employees, if any; however, such information may be protected by other AZCO policies and practices. This Policy is subject to change, and may be supplemented or modified by additional terms applicable between AZCO and an individual.

## DEFINITIONS

Collection - the act of gathering, acquiring, recording, or obtaining personal information.

Consent - voluntary agreement with the collection, use and disclosure of personal information for defined purposes. Consent can be either express, implied or deemed, and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing. Implied consent is consent that can reasonably be inferred from an individual's action or inaction. Deemed consent is consent that is deemed to be given pursuant to applicable legislation or other regulations.

Disclosure - making personal information available to a third party.

Personal information - information about an identifiable individual, but does not include aggregated information that cannot be associated with a specific individual. Personal information also excludes certain information as is excluded pursuant to applicable legislation or other regulations, such as publicly available information or business contact information, as and when applicable.

AZCO – AZCO LLC, AZCO II LLC, and their affiliates.

Third party - an individual or organization outside AZCO.

Use - the treatment, handling and management of personal information by and within an organization.

## AZCO'S TEN PRIVACY PRINCIPLES.

### **Principle 1 - Accountability**

AZCO is responsible for personal information under its control and shall designate one or more persons who are accountable for AZCO's compliance with the following principles.

1.1 AZCO shall designate one or more persons to be accountable for compliance with the Policy. Such person or persons shall be entitled to delegate day-to-day responsibility for administration of this Privacy Policy and related privacy policies and practices to other employees.

1.2 AZCO shall make known, upon request, the title of the person or persons designated to oversee AZCO's compliance with the Policy.

1.3 AZCO is responsible for personal information in its possession or under its control. AZCO shall use appropriate means to protect personal information while information is being processed by a third party on behalf of AZCO (see Principle 7).

1.4 AZCO shall implement policies and procedures to give effect to the Policy, including: a) implementing procedures to protect personal information and to oversee AZCO's compliance with the AZCO Privacy Policy; b) establishing procedures to receive and respond to inquiries or complaints; and c) training and communicating to staff about AZCO's policies and practices;

### **Principle 2 - Identifying Purposes for Collection of Personal Information**

AZCO shall identify and document the purposes for which personal information is collected at or before the time the personal information is collected or, when appropriate, at or before the time the personal information is used for a new purpose.

2.1 AZCO collects personal information for the following purposes: a) to establish and maintain a responsible commercial relationship with customers; b) for purposes identified to individuals or purposes obvious to individuals, in respect of particular collections of personal information; c) to meet legal and regulatory requirements; d) to understand needs and preferences of individuals; e) to develop, enhance, market and/or provide products and services; f) to manage and develop AZCO's business and operations, including transfer of data among affiliated entities.

Further references to "identified purposes" mean the purposes identified in this Principle.

2.2 AZCO shall use reasonable efforts, as appropriate, to specify orally, electronically or in writing the identified purposes to the individual at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within AZCO who shall explain the purposes.

### **Principle 3 - Consent**

The knowledge and consent of an individual are generally required for the collection, use or disclosure of personal information. In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual, such as in the case of an emergency where the life, health or security of an individual is threatened.

AZCO may disclose personal information without knowledge or consent to a lawyer or other advisor representing AZCO, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

3.1 In obtaining consent, AZCO shall use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the individual.

3.2 Generally, AZCO shall seek consent to use and disclose personal information at the same time it collects the information. However, AZCO may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.

3.3 In determining the appropriate form of consent, AZCO shall take into account the sensitivity of the personal information and the reasonable expectations of the individual.

3.4 Where consent is required for a particular use or disclosure, an individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Individuals may contact AZCO for more information regarding the implications of withdrawing consent.

#### **Principle 4 - Limiting Collection of Personal Information**

AZCO shall limit the collection of personal information to that which is reasonably necessary for the purposes identified by AZCO and as permitted by law.

4.1 AZCO collects personal information primarily from the individual to whom the information relates.

4.2 AZCO may also collect personal information from other sources including credit bureaus or other third parties who represent that they have the right to disclose the information, or as otherwise permitted by law.

#### **Principle 5 - Limiting Use, Disclosure and Retention of Personal Information**

AZCO shall use reasonable efforts not to use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. AZCO shall retain personal information only as long as reasonably necessary for the fulfillment of those purposes or as required or permitted by law.

5.1 AZCO may disclose an individual's personal information to: a) a person who in the reasonable judgment of AZCO is seeking the information as an agent of the individual; b) a company or individual employed by AZCO to perform functions on its behalf, such as but not limited to research or data processing; c) another company or individual for the development, enhancement, marketing or provision of any of AZCO's products and services; d) an agent used by AZCO to evaluate the individual's creditworthiness or to collect the individual's account; e) a credit reporting agency; f) a public authority or agent of a public authority, if in the reasonable judgment of AZCO, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information; g) another entity as part of a merger, a sale of assets or all or part of a business, or any other corporate change or re-organization; h) a third party or parties, where the individual consents to such disclosure or disclosure is required or permitted by law.

5.2 Depending on the circumstances, where personal information has been used to make a decision about an individual, AZCO shall retain, for a reasonable period of time, either the actual information or the rationale for making the decision.

5.3 AZCO shall maintain reasonable and systematic controls, schedules and practices for information and

records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required or permitted by law to be retained. Such information shall be destroyed, erased or made anonymous.

5.4 Where appropriate, AZCO may communicate updates of personal information to third parties.

#### **Principle 6 - Accuracy**

AZCO shall take steps to ensure that personal information is as accurate, complete and up-to-date as is appropriate for its purposes.

6.1 Personal information used by AZCO shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about an individual.

6.2 AZCO shall update personal information about individuals as and when reasonably necessary to fulfill the identified purposes or as reasonably requested by the individual.

#### **Principle 7 - Security Safeguards**

AZCO shall protect personal information by security safeguards appropriate to the sensitivity of the information.

7.1 AZCO shall take appropriate and reasonable steps to protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction.

7.2 AZCO shall take appropriate and reasonable steps to protect personal information disclosed to third parties, for example by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.

#### **Principle 8 - Openness**

AZCO shall use reasonable efforts to make readily available to individuals specific information about its policies and practices relating to the management of personal information.

8.1 Copies of the Policy will be made available upon request.

8.2 AZCO shall make information about its policies and procedures easy to understand, including: a) the title and addresses of the person or persons accountable for AZCO's compliance with the Policy and to whom inquiries or complaints can be forwarded; b) the means of gaining access to personal information held by AZCO; and c) a description of the type of personal information held by AZCO, including a general account of its use.

#### **Principle 9 - Individual Access**

Upon request, AZCO shall inform an individual of the existence, use and disclosure of his or her personal information, at a minimal or no cost to the individual. An individual shall be able to challenge the accuracy and completeness of the information and, within a reasonable time, have it amended as appropriate.

9.1 In certain situations, AZCO may not be able to provide access to all the personal information that it holds about an individual. For example, AZCO may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of an individual. Also, AZCO may not provide access to information if disclosure would reveal confidential

commercial information, if the information is protected by attorney-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a law. If access to personal information cannot be provided, AZCO shall, upon request, provide the reasons for denying access.

9.2 In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit AZCO to authorize access to the individual's file.

9.3 Individuals can seek access to their personal information by contacting a designated representative at AZCO.

9.4 AZCO will endeavor to respond to all requests within 30 days or, in any event, as required or permitted by applicable law.

#### **Principle 10 - Handling Inquiries and Challenges**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for AZCO's compliance with the Policy.

10.1 AZCO shall maintain procedures for addressing and responding to all inquiries or complaints from individuals about AZCO's handling of personal information.

10.2 Upon request, AZCO shall inform its customers about the existence of these procedures as well as the availability of complaint procedures.

10.3 The person or persons accountable for compliance with this Policy may seek external advice where appropriate before providing a final response to individual complaints.